

**IOWA DEPARTMENT OF NATURAL RESOURCES
CONSENT AMENDMENT TO ADMINISTRATIVE ORDER**

IN THE MATTER OF:

**MID RIVER MARINE SERVICE AND
STORAGE, INC.**

Water Supply Facility No. 5252202

**CONSENT AMENDMENT TO
ADMINISTRATIVE ORDER**

NO. 2012-WS-05-A1

To: Jason David Chase, President
Mid River Marine Service and Storage, Inc.
P.O. Box 252
Swisher, Iowa 52338

Administrative Order No. 2012-WS-05 (order) was issued to Mid River Marine Service and Storage, Inc. (Mid River) on December 28, 2012 by the Iowa Department of Natural Resources (Department). The order imposed an administrative penalty of \$8,720.00. The order was issued due to Mid River's failure to comply with the conditions of its water supply operation permit (operation permit). Mid River failed to comply with bacteria and nitrate monitoring requirements, failed to hire a certified operator as required by the operation permit for this facility, and failed to give public notice of coliform bacteria and nitrate monitoring violations and coliform bacteria MCL violations. Mid River filed an untimely notice of appeal concerning the order. The Department proposed this consent amendment in order to resolve outstanding compliance issues with this facility. Mid River has accepted this consent amendment and hereby agrees to comply with the terms of its operation permit and to pay the penalty assessed by this consent amendment to the order. The following consent amendment is agreed to by the parties and is issued to preclude the need for any further enforcement action at this time.

1. Section I. Summary is rescinded and replaced by the following.

This consent amendment to the order is agreed to by Mid River and the Department. This consent amendment requires Mid River to comply with the following requirements:

1. Comply with operation permit monitoring requirements for coliform bacteria and nitrate. Collect all required repeat and additional routine samples for coliform bacteria after receipt of unsatisfactory sample results. Comply with all public notice requirements following monitoring and MCL violations.
2. Hire and retain a certified operator for this facility as required by the operation permit for this facility.

3. Pay an administrative penalty of \$8,720.00. The amount of \$4,500.00 is due within thirty days of receipt of this order or payable in installments as set out in Section V. The amount of \$4,220.00 of the administrative penalty is waived if Mid River conducts all required coliform bacteria and nitrate samples required by the operation permit, any repeat and additional routine samples required following receipt of an unsatisfactory coliform bacteria test result and hires a certified operator, in accordance with this consent amendment.

2. Section II. Jurisdiction and Section III. Statement of Facts, paragraphs 1- 15 of the order, remains the same as in the order.

3. Section IV. Conclusions of Law remains the same as in the original order.

4. Section V. Order is amended by rescinding Section V. and replacing it with new Section V., which reads as follows:

Therefore, the Department orders and Mid River agrees to comply with the following provisions in order to cease, abate, and redress the above-cited violations.

1. You are required to conduct all monitoring and reporting required by the permit issued for this facility.

2. You are required to sample this PWS at least once per month for coliform bacteria from April 15 through October 15; submit the results to a laboratory certified for coliform bacteria analysis; timely report the results to the Department, and maintain the record of such analyses for five years. Perform required follow-up sampling for coliform bacteria when a positive result is obtained from a routine sample. This includes taking all required repeat and additional routine samples required by the Department in the event of receipt of an unsatisfactory coliform bacteria sample.

3. You are required to sample this PWS at least once per year for nitrate; submit the sample results to a laboratory certified for nitrate analysis; timely report the results to the Department, and maintain the record of such analyses for ten years. A nitrate sample was collected on June 4, 2013 and tested at below the detection level. Your next nitrate sample is due by June 30, 2014.

4. You are required to provide public notice of the coliform bacteria and nitrate monitoring and coliform bacteria MCL violations as required by Department rules and submit proof of providing public notice to the Department within ten days of completion of the notice. You are required to continue such public notice until you have established that samples collected from this system meet safe drinking water requirements.

5. You are required to hire and maintain the services of a Grade A certified operator to operate this PWS. The certified operator must be given all direct responsibility and authority necessary to insure operation of the system in full compliance with the rule and permit requirements. You must verify to Field Office No. 6 within 30 days of receipt of this Order that a certified operator has been obtained. You are required to submit four notarized copies of the operator by affidavit form (IDNR Form 542-3119) to Field Office No. 6 in Washington, Iowa. The affidavit form may be obtained from the field office by calling 319-653-2135. You may take the training course and the exam to become a Grade A certified operator. Once you pass the exam and become certified by the Department, you can be considered the certified operator for this PWS. You must retain a certified operator to operate this facility until such time as you become certified by the Department. In the event that you are no longer certified as a Grade A operator, you must comply with the requirements of the operation permit concerning retaining a certified operator.

6. Mid River agrees to pay an administrative penalty of \$8,720.00. The amount of \$4,500.00 of the administrative penalty is due within thirty days of receipt of this consent amendment. In the alternative, Mid River can elect to pay the \$4,500.00 penalty in three installments of \$1,500.00 each. The installments are due by July 31, 2013, August 31, 2013 and September 30, 2013. The amount of \$4,220.00 of the administrative penalty is waived if all coliform bacteria and nitrate samples required by the operation permit are collected timely in accordance with Department procedures, any repeat and additional routine coliform bacteria samples required by the Department are collected timely in accordance with Department procedures, if all required public notification is given and if a certified operator is hired and retained by Mid River. The amount of \$4,220.00 is due by November 15, 2013 in the event that Mid River fails to comply with all operation permit coliform bacteria and nitrate monitoring requirements and all additional coliform bacteria testing requirements, fails to comply with public notice requirements, fails to retain a certified operator between the date that this consent amendment is issued and October 15, 2013; or fails to pay the \$4,500.00 administrative penalty as required by this paragraph.

5. Section VI. Penalty remains the same as in the original order and is incorporated by reference into this consent amendment.


6. Section VII. Appeal Rights is rescinded and replaced by the following:

VII. WAIVER OF APPEAL RIGHTS

This consent amendment to the order is entered into knowingly and with the consent of the Mid River. For this reason, Mid River waives the right to appeal this consent amendment to the order. In all other respects, the order remains in full force and effect.

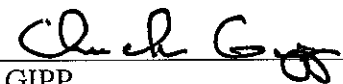
7. Section VIII. Noncompliance remains unchanged and is incorporated by reference into this consent amendment.

For questions contact:
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Iowa Department of Natural Resources
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Des Moines, Iowa 50319-0034
(515) 281-6267


JASON DAVID CHASE, PRESIDENT
MID RIVER MARINE SERVICE
AND STORAGE, INC.

Dated this day 11th of

July, 2013.


CHUCK GIPP
DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 17th day of

July, 2013.

Mid River Marine Service and Storage, Inc.- Water Supply Facility No. 5252202, Cecilia Naughton, Becky Schwiete and Anne Pham- Water Supply Operations Section, Paul Brandt- Field Office No. 6, Diana L. Hansen- Legal Services Bureau, US EPA Region VII, II.B.2.a.(1), II.B.2.a(2), II.B.2.c.(1), II.B.2.e., and II.B